

RECEIVED
CENTRAL FAX CENTER

Application No.: 10/801,309

JUL 18 2006

Reply to Office Action

REMARKS

Applicants thank the Examiner for her careful review and consideration of the claims of the application. Although claims 1-20 stand rejected in the subject Office action, favorable reconsideration of the claims is requested in view of the following remarks.

Claims 1-20 are pending in this application. Of these, claims 1, 11, and 16 are independent. Claims 6, 8-10, 12, 17-18, and 20 are amended herein to correct minor typographical informalities in order to put the claims in better form for appeal or brief review.

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. §102 for alleged anticipated by Howe (U.S. 6,876,855).¹ Claim 6 stands rejected for alleged obviousness in view of Howe combined with Gallant (U.S. 5,802,468). These remarks will focus on the independent claims 1, 11, and 16. In summary, it will be appreciated that the rejection of these claims under §102 can only be proper if Howe teaches each and every element of the claims. As will be discussed below, this is not the case, and indeed Howe is directed to an entirely different problem and fails to teach most elements of the independent claims.

Claim 1 is reproduced below for ease of reference. As will be seen, the claim pertains to a method that allows a mobile communication device (MCD) to be assigned a dialing number that is calculated such that calls from the unit's base address are local calls. Thus, regardless of mobile unit's location, calls from the base location are still local calls.

1. A method for assigning a mobile dialing number (MDN) to a wireless mobile communication device (MCD) for providing local call access to the MCD from a base address for the MCD, the method comprising:

selecting a wireless rate center encompassing the base address and having an MDN providing local call access to the MCD from the base address for the MCD; and

assigning the MDN providing local calling access to the MCD from the base address for the MCD, in the selected wireless rate center encompassing the base address, to the MCD.

¹ Although the action states that Howe is U.S. 6,615,381, this appears to be a typographical error, as this number identifies a patent to Fukuda and not Howe. The form 892 attached to the first action correctly lists the number for Howe as 6,876,855.

Application No.; 10/801,309

Reply to Office Action

Independent claims 11 and 16 are similar in this regard.

Howe does not meet this need, and indeed, Howe operates in an entirely different manner. Howe is directed to minimizing use of the PSTN (public switched telephone network) during mobile calls. In particular, the system of Howe simply assures that the last infrastructure hop during a call to a mobile device is a local call – but the call as whole is not guaranteed to be local. *See Howe Abstract* (“The public switched telephone network is only used once to make a local call to the visited switch, minimizing the fee for use of the public switched telephone network.”)

The system of Howe does *not* ensure that the *call from the base address* (“land-based terminal” as per the Office action) to the mobile terminal (e.g., a notebook computer) is local. Indeed, Howe does not appear to teach any requirement regarding the location or area code of the land-based terminal. The only benefit of Howe is that the *one hop* in the data path that uses the PSTN is local. However, the caller on this local hop is not the base address for the mobile device, but rather an end office switch. *See Howe at 4:57-61* (“Through judicious selection of a data unit 70 based on the TLDN, the connection made between the end office switch 75 and mobile unit serving switch 63 is a local call represented by local PSTN elements 73-81”).

With this understanding in mind, it can be seen that the system of Howe is essentially the opposite of that of the present application. In the Howe system, only the use of the PSTN is local, and the *call as a whole may be non-local*. In the claimed system in contrast, *the call is always local*, regardless of whether the use of the PSTN or other infrastructure is local or not. This distinction is clearly present in the claims, making the rejections based on Howe improper.

See, for example, claim 1. This claim recites in relevant part “assigning the MDN [mobile dialing number] providing local calling access [between the mobile communication device and the base address] ...to the MCD [mobile communication device].” That means that a dialing number is assigned to the mobile communication device, and that this number is assigned such that calls between the mobile communication device and the base address are local. Although the action cites Howe as teaching this element, such is clearly not the case. The action states that “the server [of Howe] uses the TLDN [temporary local directory number] to reach a

Application No.: 10/801,309

Reply to Office Action

data unit on the network, which is used to place a local call over the PSTN to the serving switch...”

This raises a clear and simple question for which Howe provides a clear and simple answer:

Q: What entity in Howe is assigned the local number?

A: The serving switch!

See Howe at 3:41-43 (“The VLR searches for the serving switch and assigns to it a temporary local directory number (TLDN)”). Thus, while the pending claims call for a local number to be assigned to the mobile device, Howe teaches that the TLDN is assigned not to the mobile device but to the serving switch.

As a result, Howe fails to teach the limitations of claim 1 in a number of ways including at least the following:

- (1) The claim recites that the mobile device is assigned a local number (relative to its base address)—In contrast, Howe teaches that only the serving switch, which is not a base address of the mobile device, is assigned such a number.
- (2) The claim recites that the assigned number provides local calling access to the mobile device from its base address—In contrast, Howe teaches that only one hop of the call circuit is local (And see Figure 2 of Howe -- the call circuit of Howe comprises many more hops than that single local hop).
- (3) The claim requires selecting a wireless rate center encompassing the base address — the action does not cite any portion of Howe as teaching this element, and indeed Howe is indifferent as to the base address since the optimization of Howe only pertains to the last hop in the circuit.

Although the foregoing remarks focus on claim 1, it will be appreciated that independent claims 11 and 16 are similar in the relevant regards. That is, both of claims 11 and 16 contain

Application No.; 10/801,309

Reply to Office Action

recitations similar to those discussed in numbered paragraphs above. Because each of claims 1, 11, and 16 contains express limitations that are not taught by Howe, the rejections of these claims under §102 in view of Howe are not proper, and favorable reconsideration is respectfully requested.


Moreover, each of claims 2-10, 12-15, and 17-20 depends from, and directly or indirectly incorporates the limitations of, one of the foregoing independent claims. For this reason, it is respectfully submitted that these dependent claims are also patentable over the cited art alone or in combination for the reasons discussed above.

Although these remarks did not focus in detail on the dependent claims, it is noted that the rejections of these claims suffer certain additional deficiencies beyond those discussed above. Thus, applicants reserve the right to discuss these deficiencies in further detail should such become necessary or appropriate.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Phillip M. Pippenger, Reg. No. 46,055
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: July 18, 2006